

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NORTHLAND RADIOLOGY, INC. (as assignee
of Cornerra Jackson-Dozier), *et al.*,

Plaintiffs,

v.

GREYHOUND LINES, INC., et al.,

Defendants.

Consolidated with:

CORNERRA DOZER,

Plaintiff,

v.

GREYHOUND LINES, INC. and
GERALD J. SNYPE,

Defendants.

Case No. 4:20-cv-11091

District Judge Matthew F. Leitman

Magistrate Judge Anthony P. Patti

Case No. 4:20-cv-11600

District Judge Matthew F. Leitman

Magistrate Judge Anthony P. Patti

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION
FOR AN ORDER REQUIRING NON-PARTY TO SHOW CAUSE (ECF NO. 12)**

This case involves a claim for no-fault benefits arising out of the alleged events of October 16, 2018. (ECF No. 1-2.) In October 2020, Defendants served Farmbrook Pain and EMG's records custodian with a subpoena to testified at a deposition. (ECF Nos. 12-3, 12-4.) On November 5, 2020, Farmbrook Pain and EMG's records custodian did not appear. (ECF No. 12-5.) On November 6 and December 30, 2020, and on January 19 and January 20, 2021, defense counsel exchanged emails with records@mirehab.net and/or sim@mirehab.com. (ECF No. 12-2, PageID.163-166.)

Currently before the Court is Defendants' Greyhound Lines, Inc. and Gerald J. Snype's January 22, 2021 motion for an order requiring Farmbrook Pain and EMG and its records custodian to show cause why they should not be found in contempt of court. (ECF No. 12; *see also* ECF No. 14 [Index of Exhibits].) Specifically, Defendant requests that the Court enter an order: (1) requiring Farmbrook Pain and EMG to show cause as to why it and its records custodian should not be held in contempt of court for the refusal to comply with properly issued subpoenas, served in accordance with Fed. R. Civ. P. 45; and, (2) awarding Defendants costs and attorney fees in the amount of \$1,000 "so wrongfully sustained by Defendants in having to bring this motion[.]" (ECF No. 12, PageID.147.)

Judge Leitman referred this motion to me for hearing and determination. (ECF No. 13.) Upon consideration, Defendants' motion (ECF No. 12) is **GRANTED IN PART** and **DENIED IN PART**. Specifically, non-party Farmbrook Pain and EMG is required to appear on **February 22, 2021 at 11 a.m.** and show cause as to why it should not be held in contempt and why they should not have to pay the requested costs of this motion. (*See* ECF No. 15.) Defendants **SHALL, forthwith:** (1) serve a copy of this order and the hearing notice (ECF No. 15) upon Farmbrook Pain and EMG (29877 Telegraph Rd., Ste. 401, Southfield, MI 48034); (2) effect service of these items by First-Class Mail **and** some other reliable method with confirmation of delivery (which may include overnight courier with tracking and signature or email to both identified email addresses with read-based confirmation); **and, (3)** promptly file proof of such service with the Court. The Court will not award Defendants' request for \$1,000 in costs and attorney fees at this time, although the request may be orally renewed at the hearing (ECF No. 12, PageID.147). If the requested documents are produced in advance of the hearing and

Defendants believe that a hearing is no longer necessary, they should inform the Court as early as possible.

IT IS SO ORDERED.

Dated: January 28, 2021



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE